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11/10/2010

17 | IN RE CELERA CORP. DERIVATIVE
LITIG.

Case No. C 10-02935 JW

19 | This Document Relates To:

ALL ACTIONS

STIPULATION AND [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE

1 WHEREAS, on July 2 and 9, 2010, plaintiffs Alan R. Kahn and Betty Greenberg
2 ("Plaintiffs"), filed shareholder derivative actions against nominal defendant Celera Corporation
3 ("Celera") and certain of the officers and directors of Celera alleging breach of fiduciary duty,
4 waste of corporate assets, and unjust enrichment;

5 WHEREAS, on August 11, 2010 (Dkt. No. 7), the Court related both actions to the
6 securities class action *Washtenaw County Employees' Retirement System v. Celera Corporation, et*
7 *al.*, Case No. C 10-02604- JW filed on June 14, 2010;

8 WHEREAS, on September 23, 2010, the Court entered an order consolidating the two
9 pending derivative actions and directed Plaintiffs to file a consolidated complaint on or before
10 October 15, 2010 (Dkt. No. 13);

11 WHEREAS, pursuant to the order entered on September 23, 2010, defendants shall respond
12 to the Consolidated Complaint within 60 days of service, and the opposition and reply briefs shall
13 be filed 60 and 30 days, respectively, of the any motion directed at the Consolidated Complaint;

14 WHEREAS, pursuant to the order entered on September 23, 2010, the Court also set a case
15 management conference for November 15, 2010 at 10:00 a.m.;

16 WHEREAS, on October 15, 2010, Plaintiffs filed the Consolidated Verified Shareholder
17 Derivative Complaint for Breach of Fiduciary Duty, Waste of Corporate Assets, and Unjust
18 Enrichment (Dkt. No. 16);

19 WHEREAS, consistent with the Court's September 23, 2010 order, the following briefing
20 schedule governs any motion directed at the consolidated derivative action:

- 21 1. Defendants' responsive pleadings shall be filed on or before December 14, 2010;
- 22 2. Plaintiffs shall file an opposition on or before February 14, 2011; and
- 23 3. Defendants shall file a reply on or before March 16, 2011.

24 WHEREAS, on November 2, 2010, the Court set March 7, 2011, as the date for the Case
25 Management Conference in the related securities class action *Washtenaw County Employees'*
26 *Retirement System v. Celera Corporation, et al.*, Case No. C 10-02604- JW.

1 NOW THEREFORE, in the interest of judicial economy, the parties, by and through their
2 undersigned counsel of record, hereby agree and stipulate as follows:

3 The case management conference currently scheduled for November 15, 2010 at 10:00 a.m.
4 shall be continued to March 28, 2011 at 10:00 a.m. On or before **March 18, 2011**, the parties
5 shall file a Joint Case Management Conference statement.

6
7 DATED: November 5, 2010

ROBBINS UMEDA LLP
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GEORGE C. AGUILAR
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9
10 /s/George C. Aguilar
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23 DATED: November 5, 2010

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Peter Barton Hutt, and Bennett M. Shapiro

I, George C. Aguilar, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order Continuing Case Management Conference. In compliance with
General Order No. 45, X.B., I hereby attest that Judson Lobdell has concurred in this filing.

/s/ George C. Aguilar
GEORGE C. AGUILAR

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

November 2, 2010

DATED

THE HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE



CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the Electronic Mail Notice List. I hereby certify that I have sent notification and served a copy of the filing via U.S. mail to the following parties listed below.

VIA U.S. MAIL

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I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on November 5, 2010.

/s/ George C. Aguilar
GEORGE C. AGUILAR

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